

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE
STATEMENT

Docket Number:
11443/160

Application Number
10/785,672

Filing Date
February 23, 2004

Examiner

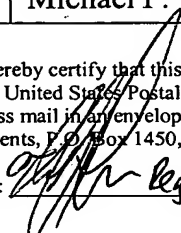
Art Unit
3732

Invention Title
SURGICAL CUTTING AND STAPLING DEVICE

Inventor(s)
Michael P. Whitman et al.

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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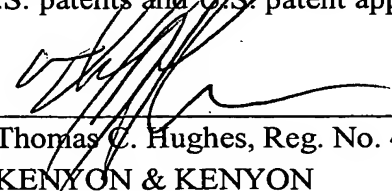
By:  Reg. No. 42,674 Date: 12/13/04

- I. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. § 609, attorneys for Applicant hereby bring the following references to the attention of the Examiner. The references are listed on the attached modified PTO Form No. 1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. 1.56(b).
- II. A copy of each patent, publication or other information listed on the modified PTO form 1449 unless otherwise indicated herewith.
- III. In accordance with the Official Gazette of August 5, 2003, which stated that the United States Patent and Trademark Office waived the requirement under 37 C.F.R. § 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, copies of each of the cited U.S. patents and U.S. patent application publications are not being provided.

Dated: Dec. 13, 2004

877516

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

ATTY. DOCKET NO.
11443/160

SERIAL NO.
10/785,672

APPLICANT
Whitman et al.

FILING DATE
February 23, 2004

GROUP
3732

U. S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT/ PUBLICATION NUMBER	PATENT/ PUBLICATION DATE	NAME	CLASS	SUBCLASS	FILING DATE*
	1,881,250	October 4, 1932	Tomlinson			
	3,079,606	March 5, 1963	Bobrov et al.			
	3,193,165	July 6, 1965	Akhalaya et al.			
	3,256,875	June 21, 1996	Tsepelev et al.			
	3,388,847	June 18, 1968	Kasulin et al.			
	3,490,675	January 20, 1970	Green et al.			
	3,494,533	February 10, 1970	Green et al.			
	3,552,626	January 5, 1971	Astafiev et al.			
	3,568,659	March 9, 1971	Karengis			
	3,618,842	November 9, 1971	Bryan			
	3,662,939	May 16, 1972	Bryan			
	3,815,476	June 11, 1974	Green et al.			
	3,858,577	January 7, 1975	Bass et al.			
	3,859,986	January 14, 1975	Okada et al.			
	3,952,748	April 27, 1976	Kaliher et al.			
	4,060,089	November 29, 1977	Noiles			
	4,071,029	January 31, 1978	Richmond et al.			
	4,085,756	April 25, 1978	Weaver			
	4,198,960	April 22, 1980	Utsugi			
	4,198,982	April 22, 1980	Fortner et al.			
	4,202,479	May 13, 1980	Razgulov et al.			
	4,207,898	June 17, 1980	Becht			
	4,273,111	June 16, 1981	Tsukaya			
	4,286,585	September 1, 1981	Ogawa			
	4,289,131	September 15, 1981	Mueller			
	4,289,133	September 15, 1981	Rothfuss			
	4,304,236	December 8, 1981	Conta et al.			
	4,310,115	January 12, 1982	Inoue			
	4,319,576	March 16, 1982	Rothfuss			
	4,334,539	June 15, 1982	Childs et al.			
	4,351,466	September 28, 1982	Noiles			
	4,367,729	January 11, 1983	Ogiu			

EXAMINER INITIAL	PATENT/ PUBLICATION NUMBER	PATENT/ PUBLICATION DATE	NAME	CLASS	SUBCLASS	FILING DATE*
	4,379,457	April 12, 1983	Gravener et al.			
	4,402,311	September 6, 1983	Hattori			
	4,429,695	February 7, 1984	Green			
	4,442,964	April 17, 1984	Becht			
	4,445,509	May 1, 1984	Auth			
	4,445,892	May 1, 1984	Hussein et al.			
	4,448,188	May 15, 1984	Loeb			
	4,473,077	September 25, 1984	Noiles et al.			
	4,476,863	October 16, 1984	Kanshin et al.			
	4,485,817	December 4, 1984	Swiggett			
	4,487,270	December 11, 1984	Huber			
	4,488,523	December 18, 1984	Shichman			
	4,489,724	December 25, 1984	Amegger			
	4,494,057	January 15, 1985	Hotta			
	4,494,549	January 22, 1985	Namba et al.			
	4,499,895	February 19, 1985	Takayama			
	4,505,272	March 19, 1985	Utyamyshev et al.			
	4,505,414	March 19, 1985	Filipi			
	4,520,817	June 4, 1985	Green			
	4,534,420	August 13, 1985	Goldelius			
	4,535,773	August 20, 1985	Yoon			
	4,559,928	December 24, 1985	Takayama			
	4,573,468	March 4, 1986	Conta et al.			
	4,574,806	March 11, 1986	McCarthy			
	4,576,167	March 18, 1986	Noiles			
	4,589,412	May 20, 1986	Kensey			
	4,589,582	May 20, 1986	Bilotti			
	4,592,354	June 3, 1986	Rothfuss			
	4,593,679	June 10, 1986	Collins			
	4,603,693	August 5, 1986	Conta et al.			
	4,605,001	August 12, 1986	Rothfuss et al.			
	4,606,343	August 19, 1986	Conta et al.			
	4,610,383	September 9, 1986	Rothfuss et al.			
	4,631,052	December 23, 1986	Kensey			
	4,633,861	January 6, 1987	Chow et al.			
	4,633,874	January 6, 1987	Chow et al.			
	4,644,952	February 24, 1987	Patipa et al.			
	4,646,745	March 3, 1987	Noiles			

EXAMINER INITIAL	PATENT/ PUBLICATION NUMBER	PATENT/ PUBLICATION DATE	NAME	CLASS	SUBCLASS	FILING DATE*
	4,655,673	April 7, 1987	Hawkes			
	4,667,673	May 26, 1987	Li			
	4,671,445	June 9, 1987	Barker et al.			
	4,672,961	June 16, 1987	Davies			
	4,674,515	June 23, 1987	Andou et al.			
	4,696,667	September 29, 1987	Masch			
	4,700,703	October 20, 1987	Resnick et al.			
	4,703,887	November 3, 1987	Clanton et al.			
	4,705,038	November 10, 1987	Sjostrom et al.			
	4,708,141	November 24, 1987	Inoue et al.			
	4,732,156	March 22, 1988	Nakamura			
	4,733,118	March 22, 1988	Mihalko			
	4,742,815	May 10, 1988	Ninan et al.			
	4,752,024	June 21, 1988	Green et al.			
	4,754,909	July 5, 1988	Barker et al.			
	4,756,309	July 12, 1988	Sachse et al.			
	4,760,840	August 2, 1988	Fournier, Jr. et al.			
	4,771,774	September 20, 1988	Simpson et al.			
	4,776,506	October 11, 1988	Green			
	4,781,186	November 1, 1988	Simpson et al.			
	4,784,137	November 15, 1988	Kulik et al.			
	4,789,090	December 6, 1988	Joseph W. Blake, III			
	4,796,793	January 10, 1989	Smith et al.			
	4,805,823	February 21, 1989	Rothfuss			
	4,815,469	March 28, 1989	Cohen et al.			
	4,817,847	April 4, 1989	Redtenbacher et al.			
	4,819,632	April 11, 1989	Davies			
	4,867,158	September 19, 1989	Sugg			
	4,869,415	September 26, 1989	Fox			
	4,873,977	October 17, 1989	Avant et al.			
	4,887,599	December 19, 1989	Muller			
	4,890,602	January 2, 1990	Hake			
	4,892,244	January 9, 1990	Fox et al.			
	4,893,613	January 16, 1990	Hake			
	4,893,622	January 16, 1990	Green et al.			
	4,903,697	February 27, 1990	Resnick et al.			
	4,907,591	March 13, 1990	Vasconcellos et al.			
	4,917,114	April 17, 1990	Green et al.			

EXAMINER INITIAL	PATENT/ PUBLICATION NUMBER	PATENT/ PUBLICATION DATE	NAME	CLASS	SUBCLASS	FILING DATE*
	4,928,699	May 29, 1990	Sasai			
	4,930,494	June 5, 1990	Takehana et al.			
	4,936,845	June 26, 1990	Stevens			
	4,941,454	July 17, 1990	Wood et al.			
	4,955,882	September 11, 1990	Hakky			
	4,957,499	September 18, 1990	Lipatov et al.			
	4,962,877	October 16, 1990	Hervas			
	4,976,688	December 11, 1990	Rosenblum			
	4,976,710	December 11, 1990	Mackin			
	4,978,049	December 18, 1990	Green			
	4,982,726	January 8, 1991	Taira			
	4,994,060	February 19, 1991	Rink et al.			
	4,995,877	February 26, 1991	Ams et al.			
	5,005,749	April 9, 1991	Aranyi			
	5,040,715	August 20, 1991	Green et al.			
	5,059,203	October 22, 1991	Husted			
	5,065,929	November 19, 1991	Schulze et al.			
	5,071,430	December 10, 1991	de Salis et al.			
	5,077,506	December 31, 1991	Krause			
	5,100,041	March 31, 1992	Storace			
	5,104,025	April 14, 1992	Main et al.			
	5,114,065	May 19, 1992	Storace			
	5,129,570	July 14, 1992	Schulze et al.			
	5,133,359	July 28, 1992	Kedem			
	5,133,713	July 28, 1992	Huang et al.			
	5,139,513	August 18, 1992	Segato			
	5,170,925	December 15, 1992	Madden et al.			
	5,171,247	December 15, 1992	Hughett et al.			
	5,171,251	December 15, 1992	Bregen et al.			
	5,173,133	December 22, 1992	Morin et al.			
	5,192,292	March 9, 1993	Cezana et al.			
	5,197,649	March 30, 1993	Bessler et al.			
	5,201,325	April 13, 1993	McEwen et al.			
	5,201,750	April 13, 1993	Hocherl et al.			
	5,205,459	April 27, 1993	Brinkerhoff et al.			
	5,207,691	May 4, 1993	Nardella			
	5,207,697	May 4, 1993	Carusillo et al.			
	5,217,003	June 8, 1993	Wilk			

EXAMINER INITIAL	PATENT/ PUBLICATION NUMBER	PATENT/ PUBLICATION DATE	NAME	CLASS	SUBCLASS	FILING DATE*
	5,221,279	June 22, 1993	Cook et al.			
	5,224,951	July 6, 1993	Freitas			
	5,226,426	July 13, 1993	Yoon			
	5,237,884	August 24, 1993	Seto			
	5,243,967	February 14, 1993	Hibino			
	5,249,583	October 5, 1993	Mallaby			
	5,258,007	November 2, 1993	Spetzler et al.			
	5,258,008	November 2, 1993	Wilk			
	5,261,877	November 16, 1993	Fine et al.			
	5,267,997	December 7, 1993	Farin et al.			
	5,268,622	December 7, 1993	Philipp			
	5,271,543	December 21, 1993	Grant et al.			
	5,271,544	December 21, 1993	Fox et al.			
	5,275,322	January 4, 1994	Brinkerhoff et al.			
	5,275,323	January 4, 1994	Schulze et al.			
	5,279,565	January 18, 1994	Klein et al.			
	5,285,945	February 15, 1994	Brinkerhoff et al.			
	5,289,963	March 1, 1994	McGarry et al.			
	5,290,299	March 1, 1994	Fain et al.			
	5,292,053	March 8, 1994	Bilotti et al.			
	5,307,976	May 3, 1994	Olson et al.			
	5,312,023	May 17, 1994	Green et al.			
	5,318,221	June 7, 1994	Green et al.			
	5,322,055	June 21, 1994	Davison et al.			
	5,326,013	July 5, 1994	Green et al.			
	5,330,486	July 19, 1994	Wilk			
	5,333,772	August 2, 1994	Rothfuss et al.			
	5,333,773	August 2, 1994	Main et al.			
	5,342,299	August 30, 1994	Snoke et al.			
	5,342,382	August 30, 1994	Brinkerhoff et al.			
	5,344,420	September 6, 1994	Hilal et al.			
	5,350,104	September 27, 1994	Main et al.			
	5,354,266	October 11, 1994	Snoke			
	5,358,506	October 24, 1994	Green et al.			
	5,364,001	November 15, 1994	Bryan			
	5,368,015	November 29, 1994	Wilk			
	5,368,607	November 29, 1994	Freitas			
	5,380,321	January 10, 1995	Yoon			

EXAMINER INITIAL	PATENT/ PUBLICATION NUMBER	PATENT/ PUBLICATION DATE	NAME	CLASS	SUBCLASS	FILING DATE*
	5,383,880	January 24, 1995	Hooven			
	5,389,098	February 14, 1995	Tsuruta et al.			
	5,395,030	March 7, 1995	Kuramoto et al.			
	5,395,033	March 7, 1995	Byrne et al.			
	5,397,046	March 14, 1995	Savage et al.			
	5,400,267	March 21, 1995	Denen et al.			
	5,403,312	April 4, 1995	Yates et al.			
	5,403,326	April 4, 1995	Harrison et al.			
	5,403,327	August 4, 1995	Thornton et al.			
	5,411,508	May 2, 1995	Bessler et al.			
	5,413,267	May 9, 1995	Solyntjes et al.			
	5,413,268	May 9, 1995	Green et al.			
	5,415,334	May 16, 1995	Williamson et al.			
	5,425,738	June 20, 1995	Gustafson et al.			
	5,425,745	June 26, 1995	Green et al.			
	5,431,322	July 11, 1995	Green et al.			
	5,431,645	July 11, 1995	Smith et al.			
	5,433,721	July 18, 1995	Hooven et al.			
	5,437,636	August 1, 1995	Snoke et al.			
	5,437,684	August 1, 1995	Calabrese et al.			
	5,441,507	August 15, 1995	Wilk			
	5,443,198	August 22, 1995	Viola et al.			
	5,454,825	October 3, 1995	Van Leeuwen et al.			
	5,460,182	October 24, 1995	Goodman et al.			
	5,467,911	November 21, 1995	Tsuruta et al.			
	5,472,132	December 5, 1995	Savage et al.			
	5,474,223	December 12, 1995	Viola et al.			
	5,476,206	December 19, 1995	Green et al.			
	5,482,197	January 9, 1996	Green et al.			
	5,485,947	January 23, 1996	Olson et al.			
	5,487,499	January 30, 1996	Sorrentino et al.			
	5,487,500	January 30, 1996	Knodel et al.			
	5,496,269	March 5, 1996	Snoke			
	5,518,163	May 21, 1996	Hooven			
	5,518,164	May 21, 1996	Hooven			
	5,524,180	June 4, 1996	Wang et al.			
	5,529,235	June 25, 1996	Boiarski et al.			
	5,531,687	July 2, 1996	Snoke et al.			

EXAMINER INITIAL	PATENT/ PUBLICATION NUMBER	PATENT/ PUBLICATION DATE	NAME	CLASS	SUBCLASS	FILING DATE*
	5,533,661	July 9, 1996	Main et al.			
	5,549,565	August 27, 1996	Ryan et al.			
	5,553,765	September 10, 1996	Knodel et al.			
	5,554,169	September 10, 1996	Green et al.			
	5,562,702	October 8, 1996	Huitema et al.			
	5,571,116	November 5, 1996	Bolanos et al.			
	5,582,611	December 10, 1996	Tsukagoshii et al.			
	5,584,425	December 17, 1996	Savage et al.			
	5,588,579	December 31, 1996	Schnut et al.			
	5,591,186	January 7, 1997	Wurster et al.			
	5,591,196	January 7, 1997	Marin et al.			
	5,597,107	January 28, 1997	Knodel et al.			
	5,599,347	February 4, 1997	Hart et al.			
	5,609,285	March 11, 1997	Grant et al.			
	5,609,560	March 11, 1997	Ichikawa et al.			
	5,639,008	June 17, 1998	Gallagher et al.			
	5,651,780	July 29, 1997	Jackson et al.			
	5,653,374	August 5, 1997	Young et al.			
	5,667,473	September 16, 1997	Finn et al.			
	5,667,478	September 16, 1997	McFarcin et al.			
	5,667,517	September 6, 1997	Hooven			
	5,676,674	October 14, 1997	Bolanos et al.			
	5,692,668	December 2, 1997	Ethicon			
	5,693,031	December 2, 1997	Ryan et al.			
	5,709,335	January 20, 2098	Heck			
	5,711,472	January 27, 1998	Bryan			
	5,732,872	March 31, 1998	Bolduc et al.			
	5,749,885	May 12, 1998	Sjorstrom et al.			
	5,749,893	May 12, 1998	Vidal et al.			
	5,752,644	May 19, 1998	Bolanos et al.			
	5,758,814	June 2, 1998	Gallagher et al			
	5,762,458	June 9, 1998	Wang et al.			
	5,779,130	July 14, 1998	Alesi et al.			
	5,782,396	July 21, 1998	Mastri et al.			
	5,782,397	July 21, 1998	Koukline			
	5,792,135	August 11, 1998	Madhani et al.			
	5,797,835	August 25, 1998	Green			
	5,797,900	August 25, 1998	Madhani et al.			

EXAMINER INITIAL	PATENT/ PUBLICATION NUMBER	PATENT/ PUBLICATION DATE	NAME	CLASS	SUBCLASS	FILING DATE*
	5,797,944	August 25, 1998	Nobles et al.			
	5,807,377	September 15, 1998	Madhani et al.			
	5,807,402	September 15, 1998	Yoon			
	5,814,044	September 29, 1998	Hooven			
	5,815,640	September 29, 1998	Wang et al.			
	5,817,113	October 6, 1998	Gifford III et al.			
	5,829,662	November 3, 1998	Allen et al.			
	5,836,503	November 17, 1998	Ehrenfels et al.			
	5,846,221	December 8, 1998	Snoke et al.			
	5,855,583	January 5, 1999	Wang et al.			
	5,857,996	January 12, 1999	Snoke			
	5,860,953	January 19, 1999	Snoke et al.			
	5,868,760	February 9, 1999	McGuckin, Jr.			
	5,871,471	February 16, 1999	Ryan et al.			
	5,878,193	March 2, 1999	Wang et al.			
	5,881,943	March 16, 1999	Heck et al.			
	5,897,562	April 27, 1999	Balanos et al.			
	5,907,664	May 25, 1999	Wang et al.			
	5,915,616	June 29, 1999	Viola et al.			
	5,925,055	July 20, 1999	Adrian et al.			
	5,931,848	August 3, 1999	Saadat			
	5,947,363	September 7, 1999	Bolduc et al.			
	5,951,549	September 14, 1999	Richardson et al.			
	5,954,259	September 21, 1999	Viola et al.			
	5,957,363	September 28, 1999	Heck			
	5,957,882	September 28, 1999	Nita et al.			
	5,957,884	September 28, 1999	Hooven			
	5,976,159	November 2, 1999	Bolduc et al.			
	5,984,919	November 16, 1999	Hilal et al.			
	5,989,215	November 23, 1999	Delmotte et al.			
	5,993,378	November 30, 1999	Lemelson			
	5,993,454	November 30, 1999	Longo			
	5,997,510	December 7, 1999	Schwemberger			
	6,001,108	December 14, 1999	Wang et al.			
	6,004,335	December 21, 1999	Vaitekunas et al.			
	6,007,512	December 29, 1999	Hooven			
	6,007,531	December 28, 1999	Snoke et al.			
	6,010,054	January 4, 2000	Johnson et al.			

EXAMINER INITIAL	PATENT/ PUBLICATION NUMBER	PATENT/ PUBLICATION DATE	NAME	CLASS	SUBCLASS	FILING DATE*
	6,010,493	January 4, 2000	Snoke			
	6,017,322	January 25, 2000	Snoke et al.			
	6,017,354	January 25, 2000	Culp et al.			
	6,024,741	February 15, 2000	Williamson, IV et al.			
	6,063,095	May 16, 2000	Wang et al.			
	6,068,627	May 30, 2000	Orzulak et al.			
	6,074,402	June 13, 2000	Peifer et al.			
	6,083,163	July 4, 2000	Wegner et al.			
	6,086,600	July 11, 2000	Kortenbach			
	6,090,120	July 18, 2000	Wright et al.			
	6,099,466	August 8, 2000	Sano et al.			
	6,106,512	August 22, 2000	Cochran et al.			
	6,110,188	August 29, 2000	Narciso, Jr.			
	6,119,913	September 19, 2000	Adams et al.			
	6,126,058	October 3, 2000	Adams et al.			
	6,126,591	October 3, 2000	McGarry et al.			
	6,132,368	October 17, 2000	Cooper			
	6,162,220	December 19, 2000	Nezhat			
	6,165,191	December 26, 2000	Shibata et al.			
	6,174,324	January 16, 2001	Egan et al.			
	6,179,837	January 30, 2001	Hooven			
	6,193,129	February 2001	Bittner et al.			
	6,201,984	March 13, 2001	Funda et al.			
	6,206,903	March 27, 2001	Ramans			
	6,209,773	April 3, 2001	Bolduc et al.			
	6,217,591	April 17, 2001	Egan et al.			
	6,231,587	May 15, 2001	Makower			
	6,244,809	June 12, 2001	Wang et al.			
	6,246,200	June 12, 2001	Blumenkranz et al.			
	6,264,087	July 24, 2001	Whitman			
	6,309,397	October 30, 2001	Julian et al.			
	6,312,435	November 6, 2001	Wallace et al.			
	6,315,184	November 13, 2001	Whitman			
	6,331,181	December 18, 2001	Tierney et al.			
	6,346,072	February 12, 2002	Cooper			
	6,348,061	February 19, 2002	Whitman			
	6,364,888	April 2, 2002	Niemeyer et al.			
	6,371,952	April 16, 2002	Madhani et al.			

EXAMINER INITIAL	PATENT/ PUBLICATION NUMBER	PATENT/ PUBLICATION DATE	NAME	CLASS	SUBCLASS	FILING DATE
	6,394,998	May 28, 2002	Wallace et al.			
	6,398,726	June 4, 2002	Ramans et al.			
	6,443,973	September 3, 2002	Whitman			
	6,488,197	December 3, 2002	Whitman			
	6,491,201	December 10, 2002	Whitman			
	6,505,768	January 14, 2003	Whitman			
	6,517,565	February 11, 2003	Whitman et al.			
	6,533,157	March 18, 2003	Whitman			
	2001/0031975	October 18, 2001	Whitman et al.			
	2002/0032451	March 14, 2002	Tierney et al.			
	2002/0032452	March 14, 2002	Tierney et al.			
	2002/0042620	April 11, 2002	Julian et al.			
	2002/0045888	April 18, 2002	Ramans et al.			
	2002/0049454	April 25, 2002	Whitman et al.			
	2002/0055795	May 9, 2002	Niemeyer et al.			
	2002/0072736	June 13, 2002	Tierney et al.			
	2002/0165444	November 7, 2002	Whitman			
	2003/0105478	June 5, 2003	Whitman et al.			
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 82/03545	October 28, 1982	PCT				
	WO 83/00992	March 31, 1983	PCT				
	WO 90/05489	May 31, 1990	PCT				
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	WO 92/16141	October 1, 1992	PCT				
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 93/08754	May 13, 1993	PCT				
	WO 95/18572	July 13, 1996	PCT				
	WO 95/35065	December 28, 1995	PCT				
	WO 97/12555	April 10, 1997	PCT				
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						YES	NO
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		New York Magazine, June 10, 2002 The Best Doctors in New York, p. 80
EXAMINER		DATE CONSIDERED
<p>EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>		